IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Rikin S. Patel
Serial No.:	10/729,607
Filed:	December 5, 2003
Group Art Unit:	2151
Examiner:	Glenford J. Madamba
Confirmation No.:	2892
Title:	SYSTEM AND METHOD FOR FAULT MANAGEMENT IN A SERVICE-ORIENTED ARCHITECTURE

Mail Stop Notice of Appeal
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicant respectfully requests reconsideration of the rejection of all claims in the Application.

In the prosecution of the present Application, the PTO's rejections and assertions contain clear errors of law. Most notable of the legal errors present in the examination of the Application is a failure of the Final Office Action (the "*Final Office Action*") to establish a *prima facie* rejection of at least independent Claim 45. In this Pre-Appeal Brief Request for Review, Applicant requests panel review of independent Claim 45, which is rejected in the *Final Office Action* as being obvious over the proposed *Hsu-Catania* combination.

Throughout prosecution of this case, it has been Applicant's position that the proposed *Hsu-Catania* combination does not disclose the elements recited in Applicant's Claim 45. Specifically, twice before, Applicant has made three separate and distinct arguments demonstrating the deficiencies of *Hsu* and *Catania* with respect to Applicant's Claim 45.[1] In response to these arguments, the PTO has first added a reference and then removed the same reference from the proposed combination.[2] The PTO has never responded substantively to Applicant's arguments, which continue to be relevant and of merit.

1.   **The *Hsu-Catania* combination does not disclose, teach, or suggest a system interface operable to "translate the service request into a non-web service format"**

The rejection of Claim 45 is deficient at least because the *Hsu-Catania* combination does not disclose, teach, or suggest a system interface operable to "translate the service request into a non-web service format." In the *Final Office Action*, the PTO continues to identify *Catania* as disclosing the recited features and operations. Applicant respectfully disagrees.

Catania discloses "three primary roles: service provider, service registry, and service requester." (*Catania*, page 1, paragraph 7). "The service provider is the entity that provides access to the Web service and **publishes the service description in a service registry**." (*Catania*, page 1, paragraph 7, emphasis added). By contrast, "**[t]he service requestor finds the service description in a service registry** or other location and can use the information in the description to bind to a service." (*Catania*, page 1, paragraph 7, emphasis added). With regard to the messages that are sent, *Catania* discloses that "[w]eb services typically send XML messages formatted in accordance with the Simple Object Access Protocol (SOAP) specification." (*Catania*, page 1, paragraphs 8). *Catania* further clarifies:

> The XML messages are described using the Web Services Description Language (WSDL) specification, which, along with the Universal Description Discovery and Integration (UDDI) registry, provides a definition of the interface to a Web service and identifies service providers in a network. The WSDL specification is an XML-based language used to define Web services and describe how to access them. **An application trying to use a particular Web Service can often use WSDL to find the location of the Web service, the function calls available, and the format that must be followed to access the Web service. Therefore, the client first obtains a copy of the**

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[1]   *See*, Response to Office Action submitted on October 26, 2007, pages 8-12; Response to Office Action submitted on March 11, 2008, pages 13-19.

[2]   In the Final Office Action delivered on January 28, 2008, the Examiner changed the relied upon combination from *Hsu-Catania* to *Hsu-Agarwal-Catania*. In the subsequent Final Office Action delivered on May 16, 2008, the Examiner returns to the *Hsu-Catania* combination.

> **WSDL file from the server and then uses the information in this file to
> format a SOAP request.**

(*Catania*, page 1, paragraphs 8-9, emphasis added). Thus, *Catania* merely discloses that web service requests are sent in the WSDL format. The service requestor must obtain a copy of the WSDL file from the server and then format the request in the proper SOAP request format prior to it being sent. Because the SOAP format is a web service format,[3] Applicant contends that using the WSDL registry to format the request in a SOAP format is not analogous to "translat[ing] the service request into a **non-web service format**." Furthermore, *Catania* explicitly describes that such formatting is done prior to the message being sent. Accordingly, there is no disclosure in *Catania* of a system interface that is operable to receive the service request and then "translate the service request into a non-web service format," as recited in Claim 45.

Applicant notes the PTO's reliance on paragraphs 68-70 of *Catania* in the *Final Office Action*. However, the cited portion of *Catania* discloses a distributed business processes example. According to the example, an auction manager "offers a management service that monitors the progress of" a request for quotes (RFQ) process 510. (*Catania*, page 5, paragraph 69). "In one embodiment, RFQ process 510 is implemented in the Business Processes Execution Language (BPEL)," which "is an XML-based language designed to enable task sharing for a distributed computing environment, even across multiple organizations, using a combination of Web services. (*Catania*, page 5, paragraph 69). Thus, the service requestor (Companies C2, C3, C4) transmits requests to the web server (auction manager 500) in BPEL. There is no disclosure that the auction manger 500 is operable to receive the service request and then "translate the service request into a non-web service format," as recited in Claim 45. To the contrary, *Catania* specifically states that the auction manager implements the process in BPEL.

Accordingly, the *Hsu-Catania* combination does not disclose, teach, or suggest a system interface operable to "translate the service request into a non-web service format."

2.   **The *Hsu-Catania* combination does not disclose, teach, or suggest a service
        implementation operable to "persist the fault . . . wherein persisting the fault
        comprises attaching a unique identifier to the fault report"**

The rejection of Claim 45 is additionally deficient at least because the *Hsu-Catania* combination does not disclose, teach, or suggest a service implementation operable to "persist the

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[3] Webopedia defines SOAP as "a lightweight XML-based messaging protocol used to encode the information in Web service request and response messages before sending them over a network." (See, www.webopedia.com, last visited 10/4/2007).

fault . . . wherein persisting the fault comprises attaching a unique identifier to the fault report." In the *Final Office Action*, the PTO continues to rely on *Hsu* for disclosure of the recited claim features. However, the cited portion of *Hsu* merely discloses:

> Exceptions may have associated error data, which may include error codes, stored in the error catalog 210 . . . When an exception occurs and an action forward is called, the error catalog 210 may be accessed based on the error code and used to determine which error message to display in the resulting page. In some cases, the error code catalog 210 may also be accessed based on the type of error action forward and used to determine the error message to display in the resulting page.

(*Hsu*, column 8, lines 36-54). Thus, although the cited portion discusses the use of error codes, *Hsu* only indicates that the error codes are used to identify the type of message to display and further, indicates that the error codes are applied to "categories of exceptions." Portions of *Hsu* immediately preceding the portion cited by the PTO clarify that there may be "three separate abstract subclasses" of exceptions and that each exception must fall into one of these categories. (*Hsu*, column 8, lines 18-20). There is no indication that either of the error codes or the error categories are unique to an error instance. Because *Hsu* states that exceptions are classified into categories of exceptions and then only identifies that "error codes" are used to identify the type of error message to display, Applicant respectfully submits that *Hsu* and the proposed *Hsu-Catania* combination do not disclose, teach, or suggest "a service implementation operable to "persist the fault . . . wherein persisting the fault comprises attaching **a unique identifier** to the fault report," as recited in Claim 45.

3.   The *Hsu-Catania* combination does not disclose, teach, or suggest a fault service implementation operable to "translate the fault report into a web service format"

The rejection of Claim 45 is additionally deficient at least because the *Hsu-Catania* combination does not disclose, teach, or suggest a fault service implementation operable to "translate the fault report into a web service format," as recited in Claim 45. In the *Final Office Action*, the PTO continues to provide no citation to any specific reference and instead merely states "e.g., WSDL" to reject the recited claim element. (*Final Office Action*, page 12). As such, the *Final Office Action* and the similar communications before it leave Applicant guessing as to which reference the PTO is relying upon. Applicant continues to contend, however, that neither *Hsu* nor *Catania* disclose the recited features and operations.

To the extent that *Hsu* discloses reporting faults or providing a fault report, *Hsu* only discloses that "the error handler or manager 128 functions to track or chain errors occurring in
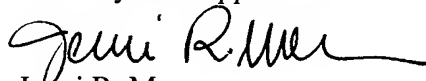
DAL01:1022157.1

series, catalog error messages based on error codes, and display error messages using an error catalog." (*Hsu*, column 7, lines 9-12). Applicant finds no discussion of web service formats or of translating fault reports into a web service format in *Hsu*. Certainly, the mere disclosure of tracking, cataloging, and displaying of errors is not analogous to providing a fault service implementation operable to "**translate the fault report into a web service format**," as recited in Applicant's Claim 45.

Catania does not make up for these deficiencies. As discussed above, *Catania* merely discloses that "[w]eb services typically send XML messages formatted in accordance with the Simple Object Access Protocol (SOAP) specification." (*Catania*, page 1, paragraphs 8). Thus, *Catania* merely discloses that web service requests are sent in the WSDL format. The service requestor must obtain a copy of the WSDL file from the server and then format the request in the proper SOAP request format prior to it being sent. There is no disclosure of providing a fault service implementation operable to "**translate the fault report into a web service format**," as recited in Applicant's Claim 45.

CONCLUSION

For the reasons discussed above, Applicant respectfully contends that the proposed *Hsu-Catania* combination is deficient with respect to at least three claim elements recited in Applicant's Claim 45. As the rejection of at least Claim 45 contains clear deficiencies, Applicant respectfully requests a finding of allowance of Claim 45. To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems.

Respectfully submitted,
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